

Appl. No. : 09/421,870  
Filed : October 26, 1999

### REMARKS

Claims 1-62, 67, 69-74, 78-82, 153-203, and 209-211 are pending in this application. Claims 7, 63-66, 68, 75-77, 81, 83-152 and 204-208 are cancelled, and Claims 13-18, 25, 153-155, 162-177, 187-203, and 209-211 are withdrawn. Claims 1, 10, 13, 19, 22, 26, 27, 29-34, 49, 51, 60, 61, 67, 70, 71, 78, 79, 156 are amended herein. Applicant submits the currently pending claims for further examination, in light of the foregoing amendments and following remarks.

#### Rejection concerning Sequence Rule Non-Compliance

As requested by the Examiner on page 3 of the Office Action, and in compliance with the Sequence Rule Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, as set forth in 37 C.F.R. § 1.821(a) through 37 C.F.R. § 1.825(a), Applicant submits herewith the following: (1) a substitute computer readable form sequence listing; (2) a substitute paper copy for the specification; and (3) a Substitute Sequence Submission Statement under 37 C.F.R. §§ 1.821(f) and (g), and SEQ ID Nos. cited along with each sequence in the specification or Figures. It is believed that the foregoing submission overcomes the Examiner's objections concerning sequence rule requirements.

#### Priority Claim

The claim to priority was amended, as requested in the Office Action, to include the disposition of the parent applications.

#### Rejections under 35 U.S.C. § 112

Claims 1-12, 19-24, 26-62, 67, 69-74, 78-82, 156-161, and 178-186 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite. Claims 1, 9, 19, 22, 26, 27, 34, 78, and 156 are amended herein to clarify the claim wording problems as cited in the Office Action. Additionally, Claims 30-32 are amended to clarify the abbreviations contained therein, and Claim 60 is amended to include "said semireflective layer" (added word underlined) thus clarifying the references to the reflective layer and the semireflective layer. Claims which depend directly or indirectly from Claims 1, 22, 38, 49, 78, 79, or 156 are also clarified by the foregoing amendments. Applicant respectfully submits that the foregoing amendments address and overcome the indefinite rejections cited in the

**Appl. No.** : 09/421,870  
**Filed** : October 26, 1999

Office Action. Accordingly, Claims 1-12, 19-24, 26-62, 67, 69-74, 78-82, 156-161, and 178-186 are presented for further examination.

Rejections under 35 U.S.C. § 102(e)

Claims 1-12, 19-24, 26-34, 38, 39, 48-50, 58, 61, 62, 67, 69-74, 78-82, 156-161 and 178 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,872,723 issued to DeCusatis et al. (hereinafter "DeCusatis"). Applicant amends Claims 1, 22, 49, 67, 70, 78, 79, and 156 herein respectfully traverses these rejections.

The foregoing amendments clarify that the nonoperational structure claimed in Claim 1 comprises "a material physically deposited on or in the disc subsequent to manufacture, said at least one nonoperational structure being readable concurrently with said operational structure." Independent Claims 22, 49, 67, 70, 78, 79 and 156 also contain corresponding claim language clarifying that the nonoperational structure comprises "material physically deposited on or in the disc subsequent to manufacture."

In the Office Action the Examiner states "the structure which is used for said wobble determination is reasonably interpreted also as a nonoperational structure" in that the "definition of "nonoperational structure" ... does not limit its meaning to exclude said wobble structural element." Although Applicant submits that the wobble groove is not a nonoperational structure, even if we were to interpret it to be a nonoperational structure, the wobble groove does not comprise a "material physically deposited on or in the disc subsequent to manufacture" as in the amended independent claims. Therefore, for at least these reasons, Applicant respectfully submits that the amended claims are not anticipated by the cited prior art, and presents the amended claims for further examination.

Claims 2-12, 19-21, 23, 24, 26-34, 38, 39, 48, 50, 58, 61, 62, 69-74, 79-82, 157-161 and 178

The Office Action rejected Claims 2-12, 19-21, 23, 24, 26-34, 38, 39, 48, 50, 58, 61, 62, 69-74, 79-82, 157-161 and 178 as being anticipated by DeCusatis. As these claims depend either directly or indirectly from the above-discussed independent claims, Applicant respectfully submits that these claims are also in condition for allowance for at least the same reasons.

Appl. No. : 09/421,870  
Filed : October 26, 1999

### CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to statutory sections 102 and/or 112, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

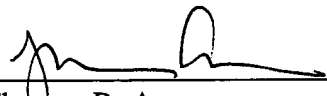
If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/7/04

By:   
Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

S:\DOCS\GAH\GAH-2561.DOC050504.dmr